

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

NADINE E. LIMA,
Plaintiff

v.

CITY OF EAST PROVIDENCE, by and
through its Finance Director, Malcolm Moore
and CITY OF EAST PROVIDENCE
SCHOOL DEPARTMENT, by and through its
Superintendent, individually and in her official
capacity, KIM MERCER.
Defendants

C.A. No.
{Superior Court No. PC-2014-5734}

PETITION FOR REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441 et seq., Rule 81(c) of the Federal Rules of Civil Procedure, and Local Civil Rule 81 of the United States District Court for the District of Rhode Island, Defendants, the City of East Providence, by and through its Finance Director, Malcolm Moore and the City of East Providence School Department, by and through its Superintendent, individually and in her official capacity, Kim Mercer, allege as follows:

1. City of East Providence, by and through its Finance Director, Malcolm Moore and the City of East Providence School Department, by and through its Superintendent, individually and in her official capacity, Kim Mercer (“defendants”), are defendants in the civil action filed in Providence County Superior Court, entitled, **Nadine E. Lima v. City East Providence, et al; C.A. No. 14-5734.**

2. Attached hereto is a copy of the complaint filed in the case being removed, pursuant to Local Civil Rule 81(a).

3. Upon information and belief, the complaint in the above described case was served on Defendants on or about November 19, 2014 and therefore, within thirty (30) days of

filing this Notice of Removal. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

4. The above described action, as stated in plaintiff's complaint, is one of which this Court has original federal question jurisdiction, pursuant to the provisions of 28 U.S.C. § 1331, and is therefore one which may be removed to this Court by these defendants, pursuant to the provisions of 28 U.S.C. § 1441(a)-(d).

5. This Notice of Removal is filed on behalf of all defendants that have been served in this matter.

6. A copy of this Notice of Removal will be filed promptly in the Court from which the case is being removed, pursuant to Local Rule 81(a)(1).

7. Within fourteen (14) days after filing this Notice of Removal, defendants shall file certified or attested copies of the docket sheets and all documents filed in the state court case, pursuant to Local Civil Rule 81(b).

Defendants,
By their attorneys,

/s/Marc DeSisto

Marc DeSisto, Esq. (#2757)

DESISTO LAW

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 26th day of November, 2014, and is available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will be effectuated by electronic means:

Sonja L. Deyoe, Esq.
sld@the-straight-shooter.com

/s/Marc DeSisto

Marc DeSisto